

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: P/N #2002-1G-498-C

25 October 2002

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

HIGHWAY 78 ASSOCIATES, INC.,
MR. MILTON THOMAS, PRESIDENT
C/O NEWMAN JACKSON SMITH, ESQ.
NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.
151 MEETING STREET, SUITE 600
CHARLESTON, SOUTH CAROLINA 29401

for a permit to place fill material in jurisdictional wetlands near

RUMPHS HILL CREEK

at a location, the proposed phase III of the existing Scott Mill Subdivision, at the intersection of US Highway 78 and Highway 61 near Summerville, Dorchester County, South Carolina (Latitude 33.042920° - Longitude 80.196450°).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 25 NOVEMBER 2002

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of placing fill material in 3.02 acres of wetlands for access roads and subdivision development. As mitigation for the proposed impacts, the applicant proposes to preserve and enhance the remaining 5.15 acres of wetlands onsite and create 0.35 acres of wetlands as described in the mitigation plan revised October 2002. The purpose of the proposed work is to accommodate the construction of the final phase of the Scott Mill single/multifamily residential community.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request

25 October 2002

must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107.**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the South Carolina Coastal Zone Management Act (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 3.02 acres of freshwater wetlands inland of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has made no determination of effect on any Federally endangered, threatened, or proposed species. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any Federally listed or proposed to be listed endangered or threatened species and/or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

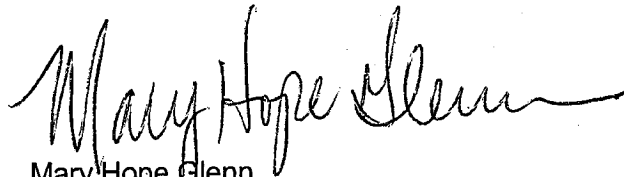
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean

25 October 2002

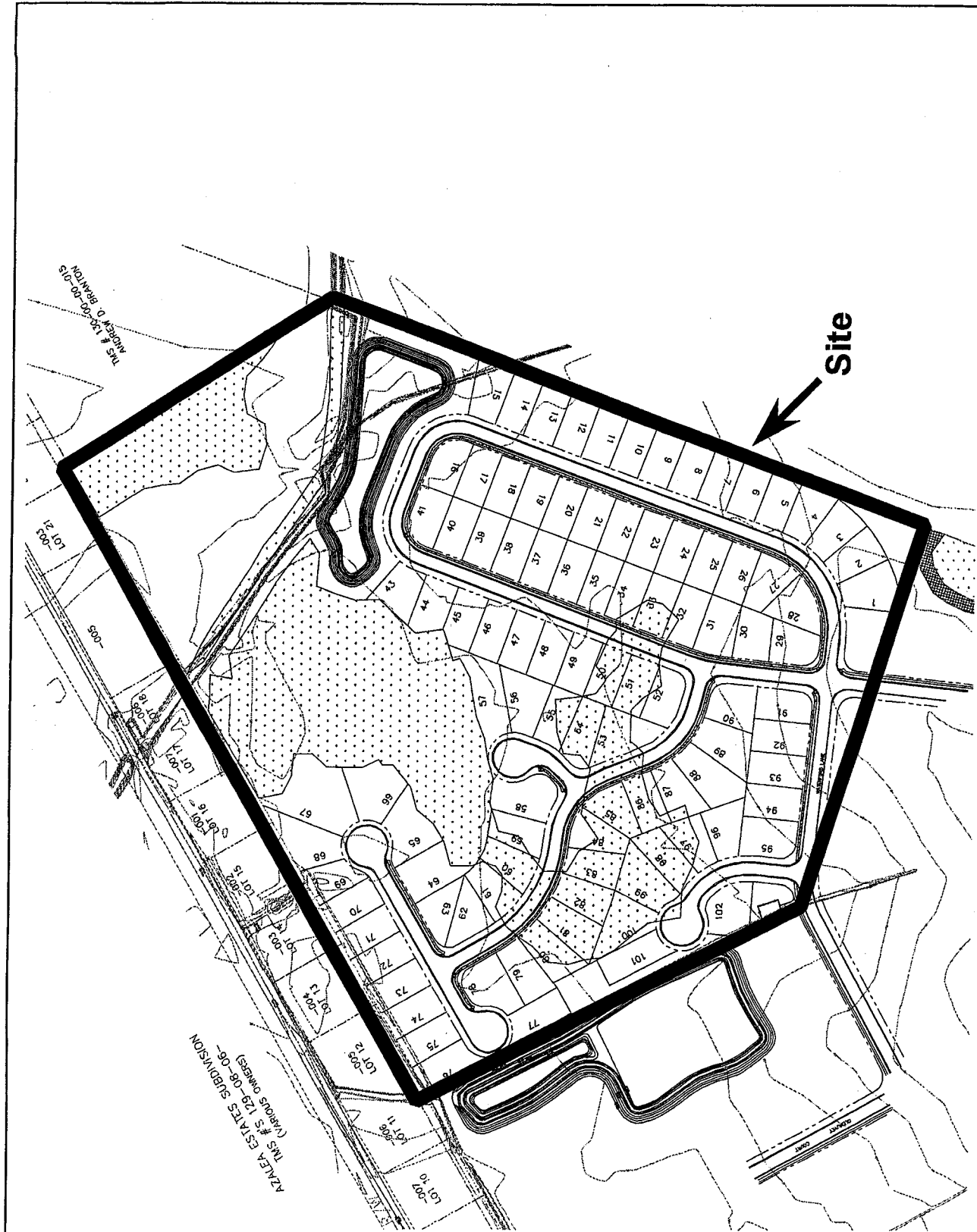
Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



Mary Hope Glenn
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

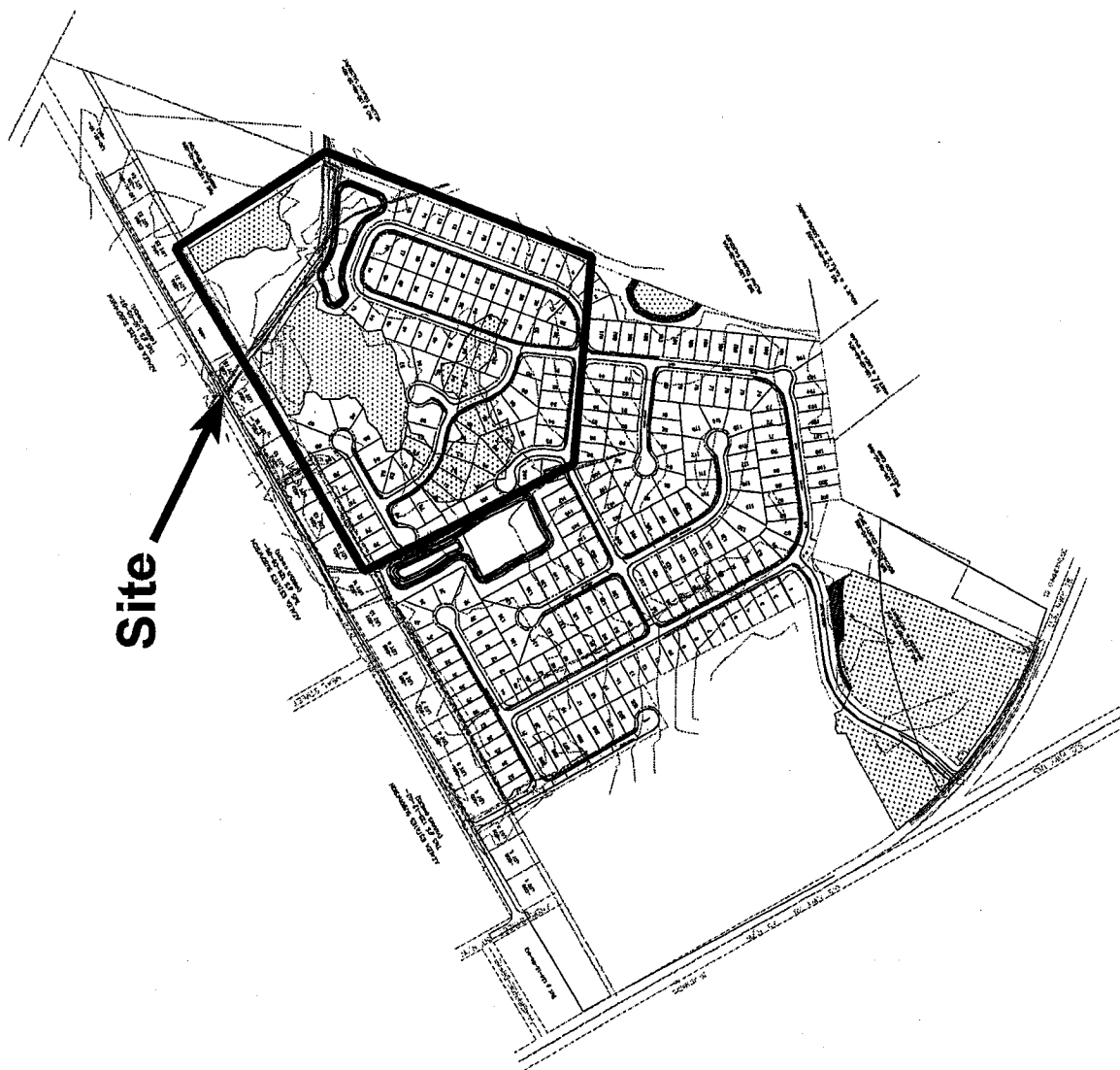


Coastal Science Associates, Inc.
P.O. Box 11687
Columbia, SC 29211
Tel. (803)-256-3081
Fax (803)-256-7475



Scott Mill Subdivision Phase III, P.M. #20021G498, 29.95± Acre site, Dorchester County, South Carolina. CAD drawing showing Scott Mill Residential Development and the approximate site boundaries.

Date: October 2002
Approx. scale: 1"= 250'
Figure 2 of 10



Site



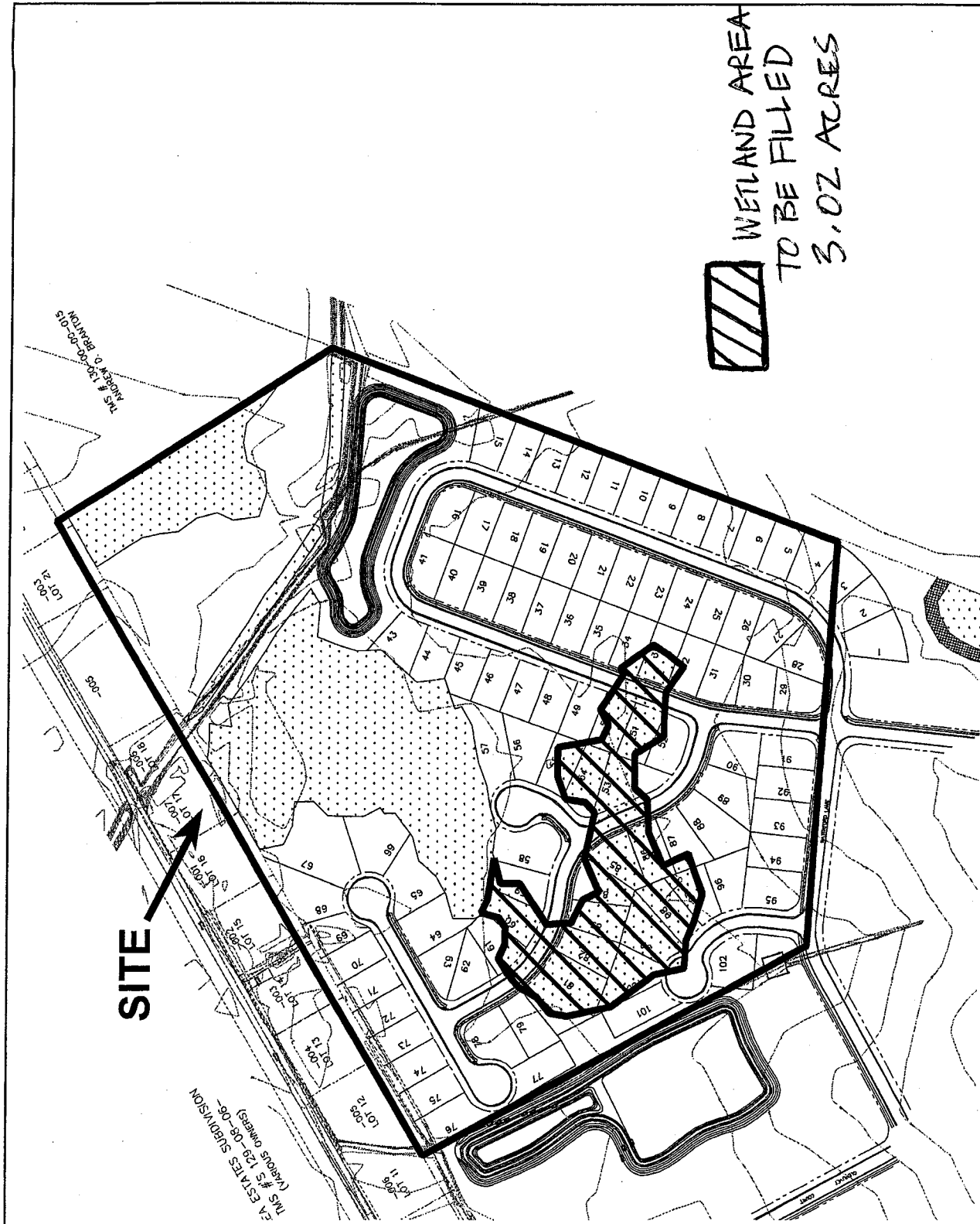
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Fax (803)-256-7475



Scott Mill Subdivision Phase III, P.A. #20021G498, 29.95± Acre site, Dorchester County, South Carolina. CAD drawing of the Scott Mill Residential Development and the approximate site boundaries for Phase III.

Date: October 2002
Approx. scale: 1"= 600'
Figure 3 of 10

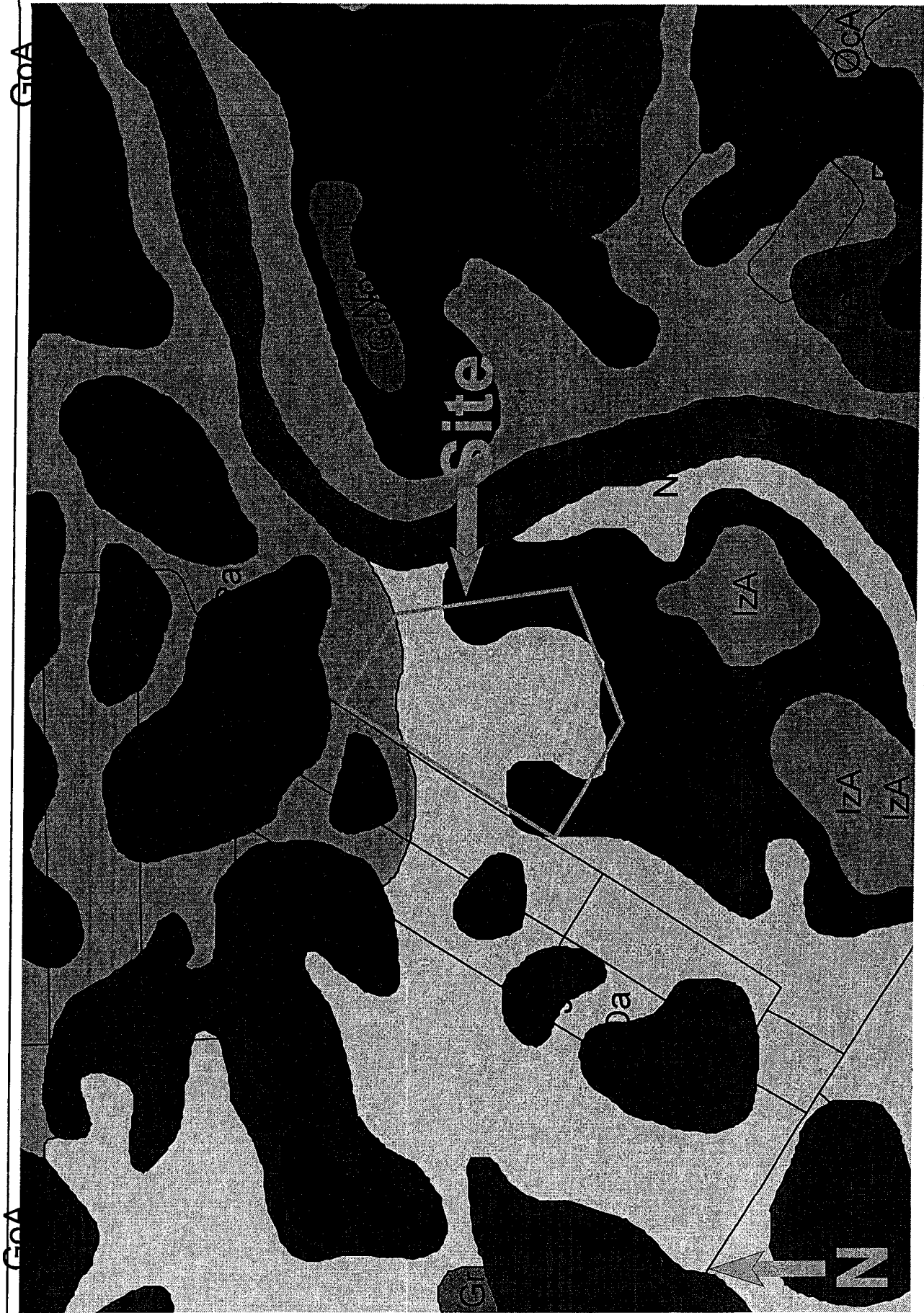


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Scott Mill Subdivision Phase III, P.A. #20021G498, 29.95± Acre site, Dorchester County, South Carolina. CAD drawing with proposed wetland impacts hatched.

Date: October 2002
Approx. scale: 1"= 250'
Figure 4 of 10

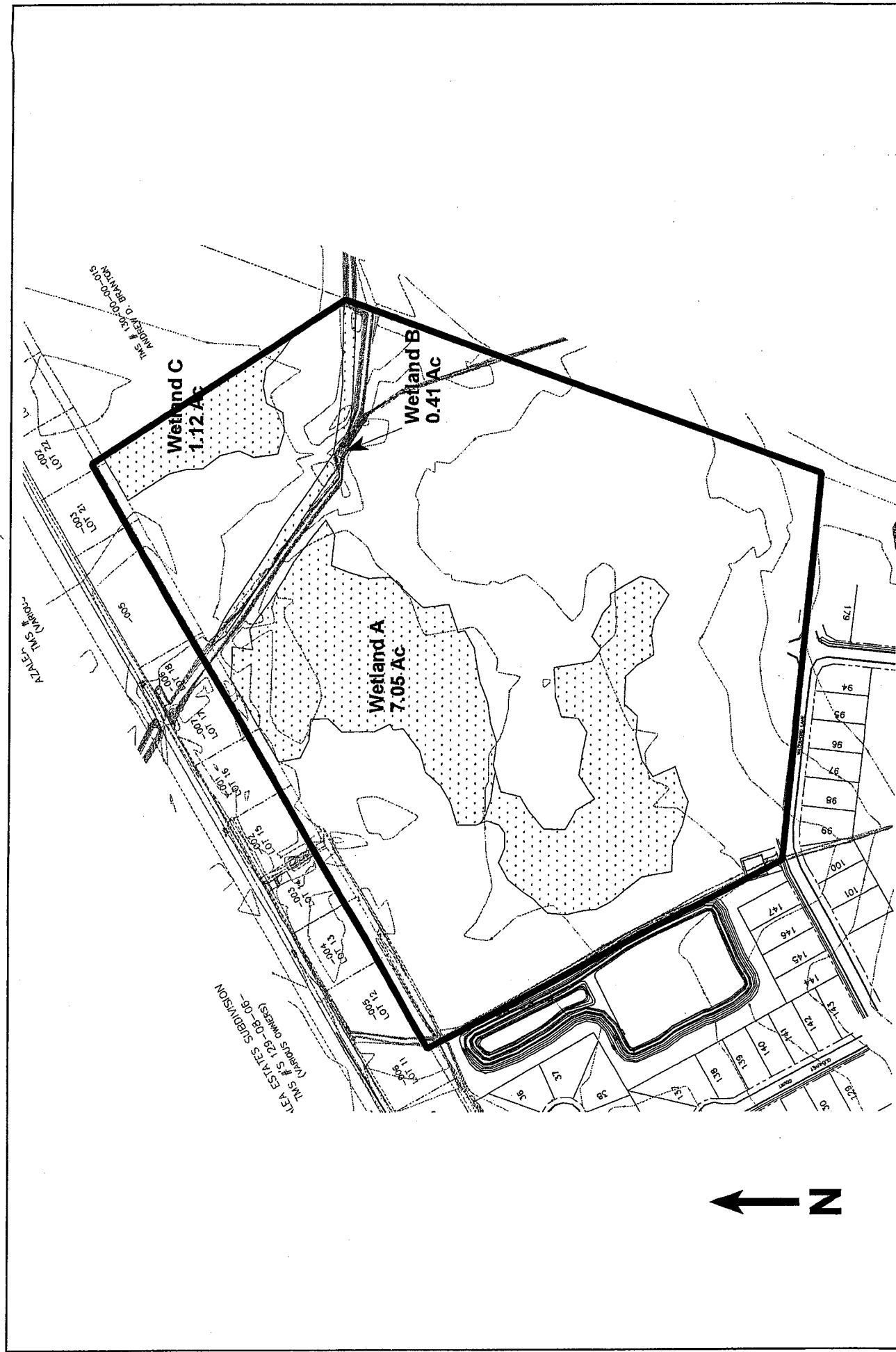


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Scott Mill Subdivision Phase III, P^A #20021G498, 29.95± Acre site, Dorchester County, South Carolina. SCS soils map indicating the approximate site boundaries.

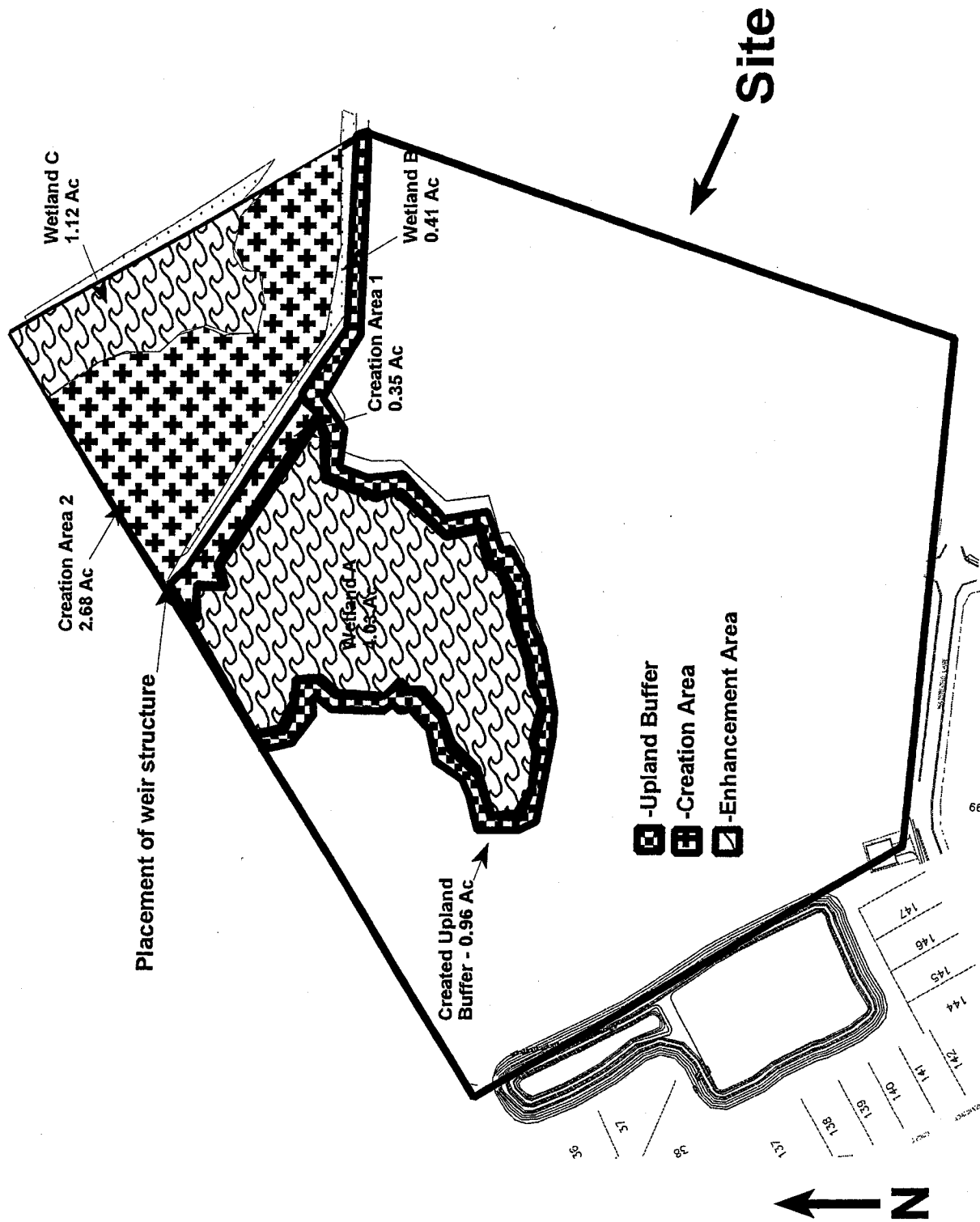
Date: October 2002
Approx. scale: 1 in. = 670 ft.
Figure 6 of 10



Coastal
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Scott Mill Subdivision Phase III, P.A. #20021G498, 29.95± Acre site, Dorchester County,
South Carolina. CAD drawing showing on-site wetlands.

Date: October 2002
Approx. scale: 1"= 250'
Figure 7 OF 10



Coastal Science Associates, Inc.
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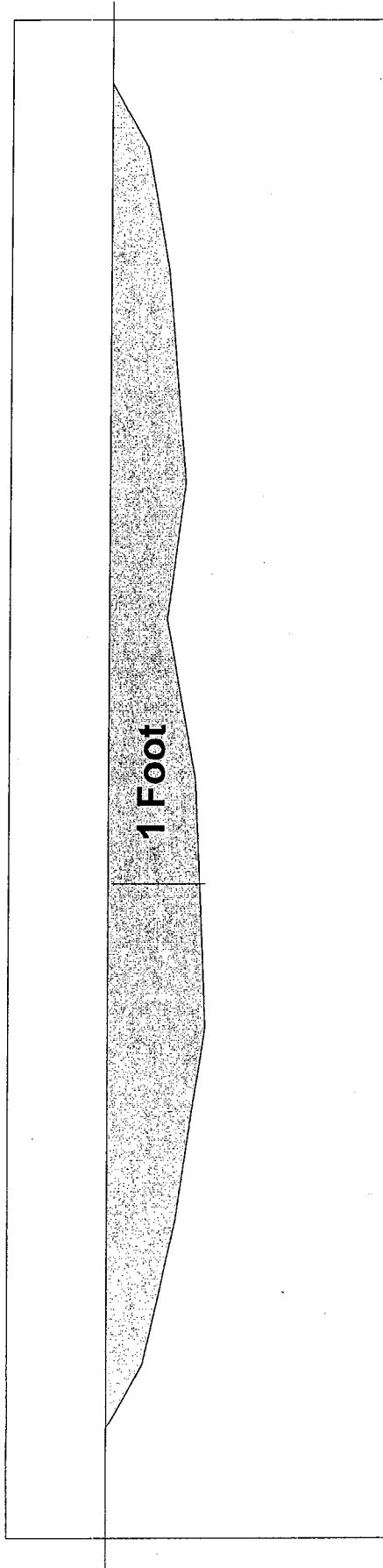


Scott Mill Subdivision Phase III, P#20021G498, 29.95± Acre site, Dorchester County, South Carolina. CAD drawing showing location and acreage of on-site mitigation.

Date: October 2002
Approx. scale: 1"= 210'
Figure 8 OF 10

A

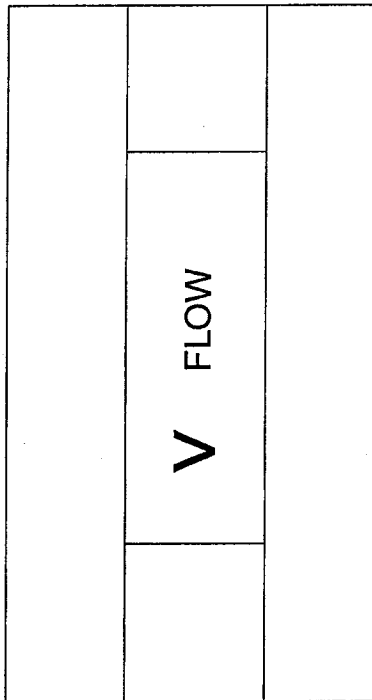
B



Scott Mill Subdivision Phase III, P. ~~A~~ #20021G498, 29.95± Acre site, Dorchester County,
South Carolina. Drawing indicating wetland fill between points A and B.

Date: October 2002
Sheet **9** of 10

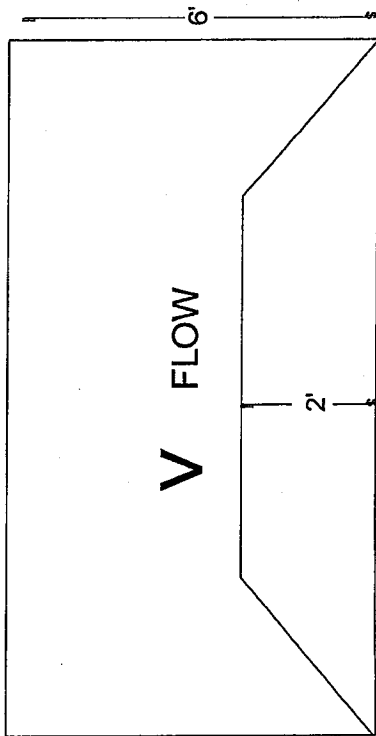
TOP VIEW



Water Control Structure Vortex Weir

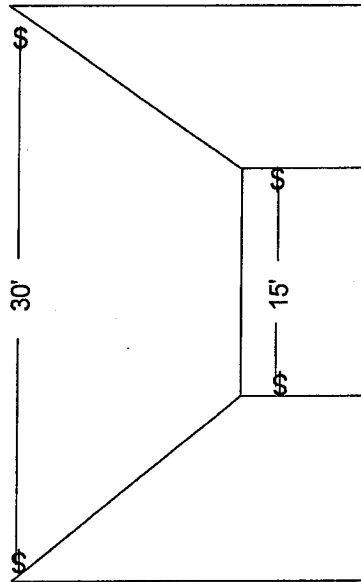
* Weir constructed of rip-rap material

TOP OF BANK



SIDE VIEW

FRONT VIEW



Scott Mill Subdivision Phase III, P. ~~A~~ #20021G498, 29.95± Acre site, Dorchester County, South Carolina. Figure shows sketches of vortex wier proposed to be placed on property in order to hydrologically enhance 5.15 acres of wetland.

Date: October 2002
Sheet ~~10~~ of 10

**Mitigation for Wetlands
Compensatory Mitigation
WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS**
Mitigation Summary Worksheet For Permit Application # 20021G498

I. Required Mitigation

A. Total Required Mitigation Credits =	23.41
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II. Non-Banking Mitigation Credit Summary

	Credits	Acres
B. Creation	5.83	3.03
C. Restoration and/or enhancement (Non-Buffer Enhancement)	15.96	5.15
D. Restoration and/or Enhancement (Buffer Enhancement)	2.98	0.96
E. Total No Net Loss Non-Bank Mitigation = B + C + D	24.77	9.14
F. Preservation	4.64	5.15
G. Total Proposed Non-Bank Mitigation = E + F	29.41	14.29

III. Banking Mitigation Credit Summary

	Credits	Acres
H. Creation		
I. Restoration and/or Enhancement (Non-Buffer Enhancement)		
J. Restoration and/or Enhancement (Buffer Enhancement)		
K. Total No Net Loss Bank Mitigation = H + I + J		
L. Preservation		
M. Total Proposed Bank Mitigation = K + L		

IV. Grand Totals

	Credits	Acres
N. Total Preservation Mitigation = F + L	4.64	5.15
O. Total Non-Preservation Mitigation = E + K	24.77	9.14
P. Total Creation = B + H	5.83	3.03
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I	15.96	5.15
R. Total Proposed Mitigation = G + M	29.41	14.29

PN # 2002-1G-498

Mitigation for Wetlands

The total Mitigation Credits (Row R) should be equal to or greater than the total Required Mitigation Credits (Row A) for the proposed mitigation to be acceptable. The other requirements given in the SOP must also be satisfied, e.g., in the credits column, Row O must equal at least 50% of Row A and the addition of Row P and Row Q must equal at least 25% of Row A. If the answer to any of the questions below is no, then the proposed mix and/or quantity of mitigation is not in compliance with the policy and the plan should be revised or rejected, unless a variance is approved.

	Yes	No
$PMC \geq RMC$ or in words Are the Credits in Row R greater than or equal to Row A?	X	
$PMC_{\text{Non-Preservation}} \geq \frac{1}{2} RMC$ or in words Are the Credits in Row Q greater than or equal to 50% of Row A?	X	
$PMC_{\text{Creation + Restoration/Enhancement (Non-Buffer Enhancement)}} \geq \frac{1}{4} RMC$ or in words Are the credits in Row P plus the credits in Row Q greater than or equal to 25% of Row A?	X	

PN# 2002-16-498

**Compensatory Mitigation
Credit Factors and Worksheets**

ADVERSE IMPACT FACTORS

Factors	Options					
Lost Type	Type C 0.2		Type B 2.0		Type A 3.0	
Priority Category	Tertiary 0.5		Secondary 1.5		Primary 2.0	
Existing Conditions	Very Impaired 0.1	Impaired 1.0		Slightly Impaired 2.0		Fully Functional 2.5
Duration	Seasonal 0.1	0 to 1 0.2	1 to 3 0.5	3 to 5 1.0	5 to 10 1.5	Over 10 2.0
Dominant Impact	Shade 0.2	Clear 1.0	Dredge 1.5	Drain 2.0	Impound 2.5	Fill 3.0
Cumulative Impact	$0.05 \times \sum AA_i$					

Note: For the Cumulative Impact factor, $\sum AA_i$ stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

Required Mitigation Credits Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Lost Type	2.0					
Priority Category	0.5					
Existing Condition	0.1					
Duration	2.0					
Dominant Impact	3.0					
Cumulative Impact	0.15					
Sum of r Factors	$R_1 = 7.75$	$R_2 =$	$R_3 =$	$R_4 =$	$R_5 =$	$R_6 =$
Impacted Area	$AA_1 = 3.02$	$AA_2 =$	$AA_3 =$	$AA_4 =$	$AA_5 =$	$AA_6 =$
R x AA	23.41					

Total Required Credits = $\sum (R \times AA) =$

23.41 Credits

PN 2002-1G-498

**Compensatory Mitigation
Credit Factors and Worksheets**

**RESTORATION AND ENHANCEMENT MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF
THE U.S. EXCLUDING STREAMS**

Factors	Options				
Net Improvement	Modest Enhancement 0.1-----to-----4.0 Excellent Restoration				
Control	N.A. 0	Covenant Private 0.1	Covenant POA 0.2	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6
Temporal Lag	N.A.* 0	Over 20 -0.3	10 to 20 -0.2	5 to 10 -0.1	0 to 5 0
Credit Schedule	Schedule 5* 0	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4
Kind	Category 5 -0.1	Category 4 0	Category 3 0.2	Category 2 0.3	Category 1 0.4
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.2	Zone 2 0.3	Zone 1 0.4

N.A. = Not Applicable

* Use this option to calculate credits for enhancement by buffering.

Proposed Restoration or Enhancement Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Net Improvement	2.0	2.0			
Control	0.1	0.1			
Temporal Lag	0	0			
Credit Schedule	0.2	0.2			
Kind	0.4	0.4			
Location	0.4	0.4			
Sum of m Factors	$M_1 = 3.1$	$M_2 = 3.1$	$M_3 =$	$M_4 =$	$M_5 =$
Mitigation Area	$A_1 = 4.03$	$A_2 = 1.12$	$A_3 =$	$A_4 =$	$A_5 =$
M x A	12.49	3.47			

Total Restoration/Enhancement Credits = $\sum (M \times A) =$

15.96

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Compensatory Mitigation Credit Factors Worksheets

PRESERVATION MITIGATION FACTORS

Factors	Options				
Priority Category	Tertiary 0.1	Secondary 0.2		Primary 0.4	
Existing Conditions	Impaired -0.1	Slightly Impaired 0		Fully Functional 0.1	
Degree of Threat	Low -0.1	Moderate 0.1		High 0.2	
Control	Covenant Private 0	Covenant POA 0.1	Conservation Easement 0.4		Transfer Fee Title Conservancy 0.6
Kind	Category 5 -0.1	Category 4 0	Category 3 0.1	Category 2 0.2	Category 1 0.3
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.1	Zone 2 0.2	Zone 1 0.3

Note: Preservation credit should generally be limited to those areas that qualify as Fully Functional or Slightly Impaired. Impaired sites should be candidates for enhancement or restoration credit, not preservation credit. In special circumstances when Impaired sites are allowed preservation credit (e.g. within the scope of some OCRM wetland master planned projects), a negative factor will be used to calculate credits as per the matrix table.

Proposed Preservation Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Priority Category	0.1	0.1			
Existing Conditions	-0.1	-0.1			
Degree of Threat	0.2	0.2			
Control	0.1	0.1			
Kind	0.3	0.3			
Location	0.3	0.3			
Sum of m Factors	$M_1 = 0.9$	$M_2 = 0.9$	$M_3 =$	$M_4 =$	$M_5 =$
Mitigation Area	$A_1 = 4.03$	$A_2 = 1.12$	$M_3 =$	$M_4 =$	$M_5 =$
$M \times A$	3.63	1.01			

Total Preservation Credits = $\sum (M \times A) =$

4.64 Credits

PN # 2002-1G-498

**Compensatory Mitigation
Credit Factors and Worksheets**

CREATION MITIGATION FACTORS

Factors	Options				
Vegetation	N.A. 0	Natural 0.1		Planted 0.4	
Soil	N.A. 0	U.S.S. 0	T.S.S. 0.1	E.S.S. 0.4	
Control	N.A. 0	Covenant Private 0	Covenant POA 0.1	Conservation Easement 0.2	Transfer Fee Title Conservancy 0.3
Temporal Lag	Over 20 -0.3	10 to 20 -0.2	5 to 10 -0.1	0 to 5 0	
Credit Schedule	Schedule 5 0	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4
Kind	Category 5 0.1	Category 4 0.2	Category 3 0.3	Category 2 0.4	Category 1 0.5
Location	Zone 5 0.1	Zone 4 0.2	Zone 3 0.3	Zone 2 0.4	Zone 1 0.5

N.A. = Not Applicable

Proposed Creation Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Vegetation	0.4	0.4			
Soil	0.4	0.4			
Control	0.1	0.1			
Temporal Lag	0	-0.2			
Credit Schedule	0.2	0.2			
Kind	0.5	0.5			
Location	0.5	0.5			
Sum of m Factors	$M_1 = 2.1$	$M_2 = 1.9$	$M_3 =$	$M_4 =$	$M_5 =$
Mitigation Area	$A_1 = 0.35$	$A_2 = 2.68$	$A_3 =$	$A_4 =$	$A_5 =$
$M \times A =$	0.74	5.09			

Total Creation Credits = $\sum (M \times A) =$

5.83 Credits

PN 2002-1G-498